

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **VICE CHAIRMAN BILL GLASER**, on March 19, 1999
at 3:15 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Bill Glaser, Vice Chairman (R)
Sen. Jon Ellingson (D)
Sen. John Hertel (R)
Sen. Bob Keenan (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Spook Stang (D)
Sen. Jack Wells (R)

Members Excused: Sen. Daryl Toews, Chairman (R)
Sen. Alvin Ellis (R)
Sen. Mignon Waterman (D)

Members Absent: None.

Staff Present: Eddye McClure, Legislative Branch
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HJR 28, 3/5/1999; HJR 1,
3/5/1999; HJR 14, 3/5/1999;
HJR 13, 3/5/1999
Executive Action: HJR 13 BCI; HJR 14 BCI; HJR 1
BCI; HJR 28 BCI

In the absence of **CHAIRMAN DARYL TOEWS**, **VICE CHAIRMAN BILL GLASER**
chaired the meeting.

HEARING ON HJR 28

Sponsor: REP. LARRY GRINDE, HD 94, Lewistown

Proponents: Bob Runkel, Office of Public Instruction
Lance Melton, Montana School Boards Association
Eric Feaver, Montana Education Association (MEA) &
Montana Federation of Teachers (MFT)

Opponents: None

Opening Statement by Sponsor:

REP. LARRY GRINDE, HD 94, Lewistown, said educators told him the special education was driving their General Fund budgets. It was a federal problem, because when the program first started in 1982, the Federal Government was to be responsible for 40% of the national average, per pupil expenditure. In reality, they have given about 10% since the program started. He said he had been working with the Office of Public Instruction (OPI), Montana Education Association (MEA) and Board of Public Education in order to come up with something which would voice their concerns. It was decided all three entities would contact their members in other states about **HJR 28**, and hopefully get them to do something along those lines. He referred to letters addressed to SEN. MAX BAUCUS, SEN. CONRAD BURNS and REP. RICK HILL, directing them to work on the problem, which were signed by House members and would be available for Senate members to sign, also. There was also a petition to go along with **HJR 28**, which he hoped House and Senate members would sign. He said he also had a letter from REP. RICK HILL, who was working on the issue in Congress; in fact, he was hoping to draft legislation to try to get Congress to fund special education.

Proponents' Testimony:

Bob Runkel, Office of Public Instruction (OPI), said when the special education law was passed, in the mid-1970's, Congress authorized up to 40% of the average per-pupil expenditures for special education to be funded by the Federal Government. In reality, that figure had averaged closer to 10%, although there were some increases in the past few years; however, it still fell sadly short of actual special education costs. He referred to **EXHIBIT (eds62a01)**, and explained the three sources of the special education funding. He suggested if Congress followed through with its 40% proposal, Montana should expect to receive close to \$29 million. Also, educating children with disabilities was very costly and no single source could fund it, i.e. federal, state and local entities had to work as a partnership. The reason for

HJR 28 was to ask the Federal Government to make sure they were holding up their end of the partnership.

Lance Melton, Montana School Boards Association (MSBA), said they supported the resolution for the good reasons already given. He suggested special education affected school budgets in a very costly way. It was unfunded and the state could not pick up the slack, especially when the Federal Government was supposed to do its share. He was hoping to add other states to the support of the resolution also.

Eric Feaver, Montana Education Association (MEA) & Montana Federation of Teachers (MFT), said they were delighted to work with **REP. LARRY GRINDE**. When **HJR 28** passed the legislature, they would be corresponding with their national member affiliates to encourage them to move the agenda as far as possible in their places.

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

REP. LARRY GRINDE said all of society should be responsible for special education; in fact, when the House would debate HB 2 the next day, special education funding would be a big part of the debate. That was sad, because if the Federal Government had funded this in the manner promised when the rules and regulations were sent down, there would be ample money to fund special education. **SEN. BOB KEENAN** will carry **HJR 28** on the Senate Floor.

{Tape : 1; Side : A; Approx. Time Counter : 7.8}

HEARING ON HJR 1

Sponsor: **REP. LINDA MCCULLOCH, HD 70, Missoula**

Proponents: **Lance Melton, Montana School Boards Association**
Eric Feaver, MEA & MFT
Bob Cooper, Office of Public Instruction
Leigh Spencer, Montana Parent Teachers Association
Vicky Bostick, Montana Parent Teachers Association

Opponents: None

Opening Statement by Sponsor:

REP. LINDA MCCULLOCH, HD 70, Missoula, said **HJR 1** was made up of two parts: (1) Public education funding should be commensurate with the growth in Montana's economy and inflation; (2) The funding should meet the state's obligation, under Article X, Section 1, Paragraph 3, of Montana's Constitution. She said both the amendments were added in the House and since it was a resolution, it was a legislative encouragement. She encouraged support for **HJR 1**.

Proponents' Testimony:

Lance Melton, Montana School Boards Association (MSBA), said they strongly supported **HJR 1** and were glad to see the Parent Teachers Association (PTA) was behind the resolution. He said the issues in the resolution were in SB 100 and HB 2, which were currently in the House. They thought it was important to keep an eye on maintaining growth in school district budgets, and recognized it was costly to maintain those budgets.

Eric Feaver, Montana Education Association (MEA) and Montana Federation of Teachers (MFT), said they strongly supported the resolution and strongly urged the Committee's favorable support also.

Bob Cooper, Office of Public Instruction (OPI), urged the Committee's strong support of **HJR 1**.

Leigh Spencer, Montana Parent Teachers Association (PTA), said she supported the resolution on behalf of the PTA. She recently attended a school board meeting in Great Falls, where the school district accepted over \$20,000 from three Great Falls PTAs, earmarked for library materials, technology and building maintenance. Last year, Great Falls PTAs donated over \$80,000 to their schools, but unfortunately, this money was raised through the dangerous practice of sending children door-to-door, selling candy and wrapping paper. She said the PTA was opposed to exploiting children in this way, and one reason was the practice contributed to inequalities in public education from neighborhood to neighborhood. The practice should be stopped because public education funding was the responsibility of adults.

Vicky Bostick, Montana Parent Teacher Association (PTA), said she spoke in support of **HJR 1**. She informed the Committee in November, the PTAs held their first annual legislative conference. The goal of the conference was to bring PTA representatives together to hear issues about Montana's children. Twelve issues were mentioned and the PTAs chose five on which to focus their efforts. She said the funding for public education was the only issue which was not heavily debated during the

conference, and it was one they found very important because it was a major concern to everyone. Even though a few years ago, a big step was taken toward equity, there were still many areas of concern. She asked the Committee to consider **HJR 1** as a reminder to everyone that Montana had an important issue in public funding.

Opponents' Testimony: None.

{Tape : 1; Side : A; Approx. Time Counter : 13.5}

Questions from Committee Members and Responses:

SEN. JACK WELLS asked what should be done when enrollments of schools and incomes of people declined, because of a sagging economy. **REP. LINDA MCCULLOCH** said it was a matter of local control, but it should be remembered heating, gasoline, etc., were fixed costs which would rise. She reminded him this was a resolution, which encouraged considering all the factors.

SEN. WELLS asked how salaries of Montana teachers compared to those states bordering it. **Eric Feaver** said Montana was about in the middle of its bordering states.

SEN. MIKE SPRAGUE asked how the funding of education could be relevant to the economy and inflation. **Eric Feaver** said it would be nice to have a growing economy which would provide its resources for public education. It would also be nice to acknowledge the economy would grow as folks saw the public education system relevant to the vocation of their enterprises. There was a relationship between economic growth and public schooling. Also, if there was a taxing structure that would grow with Montana's economy, public education would enjoy the proceeds.

SEN. SPRAGUE said he agreed the taxing structure was the only thing which would accomplish it.

Closing by Sponsor:

REP. LINDA MCCULLOCH asked the Committee to consider they were supporting the notion of adequate educational funding without actually spending a dime. She said from 1991-1996, the per capita income in Montana rose 67%, state General Fund spending rose 47% and the inflation level rose 18% since 1991. **SEN. MIKE HALLIGAN** will carry **HJR 1** on the Senate Floor.

{Tape : 1; Side : A; Approx. Time Counter : 20.3}

HEARING ON HJR 14

Sponsor: REP. DARREL ADAMS, HD 84, Columbia Falls

Proponents: None

Opponents: None

Opening Statement by Sponsor:

REP. DARREL ADAMS, HD 84, Columbia Falls, said HJR 14 was about children discovering firearms which were not secured down, i.e. a safety bill which did not exchange safety for a freedom. He said another bill established having a firearms safety course, and the Eddie Eagle Program could be that course. He explained the purpose was to promote gun accident prevention for K-6 children by teaching a simple safety message on what to do when they came upon an unsecured firearm. He stressed the program taught guns were not toys, but made no value judgments on whether guns were good or bad. He said since its inception in 1988, the Eddie Eagle Gun Safety Program reached nearly 10 million children through law enforcement agencies, school systems, civic groups, etc. The American Legion Child Welfare Foundation awarded the Eddie Eagle Program a grant of \$25,000 to assist law enforcement agencies in teaching the program. REP. ADAMS stated he had been in touch with the Eddie Eagle Program headquarters, and was told someone had donated enough to cover the cost of the program in Montana for at least a year; therefore, it was free to both the public and private schools.

Proponents' Testimony: None.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

SEN. JACK WELLS commented information revealed anywhere from 6 to 10 million children had been served by the Eddie Eagle Program, and wondered which number was right. REP. DARREL ADAMS said he was not sure.

SEN. WELLS asked if it would be acceptable to amend the bill to say "at least over 9 million." REP. ADAMS affirmed.

Closing by Sponsor:

REP. DARREL ADAMS opined **HJR 14** was a good bill which was designed to save lives. **SEN. JACK WELLS** will carry **HJR 14** on the Senate Floor.

{Tape : 1; Side : A; Approx. Time Counter : 27.7}

HEARING ON HJR 13

Sponsor: **REP. JOE MCKENNEY, HD 49, Great Falls**

Proponents: **Colleen Mercer, Great Falls, PTA Council**
Leigh Spencer, Montana PTA
Debbie Plath, Meadow Land PTA
Bill Cooper, Office of Public Instruction
Eric Feaver, MEA & MFT
Pat Clinch, Montana State Council of Professional
Fire Figthers

Opponents: **None**

Opening Statement by Sponsor:

REP. JOE MCKENNEY, HD 49, Great Falls, said last fall, parents in a certain school approached him with a concern regarding the lack of first aid training by school personnel. He agreed to help the local PTA, and **HJR 13** was the result. The resolution urged the school communities to implement simple, basic first aid training for school personnel and have them identified so they could be found and brought to the accident scene.

Proponents' Testimony:

Colleen Mercer, Great Falls PTA Council, read her written report **EXHIBIT (eds62a02)**.

Leigh Spencer, Montana PTA, read her written testimony **EXHIBIT (eds62a03)**.

Debbie Plath, Meadow Lark PTA, read her written testimony **EXHIBIT (eds62a04)**.

Bill Cooper, Office of Public Instruction (OPI), said OPI stood ready to do its part, as outlined in the resolution, and they knew community health organizations would be there to assist local schools and OPI to get the job done.

Eric Feaver, Montana Education Association (MEA) & Montana Federation of Teachers (MFT), said they rose in support of the bill and asked the Committee to concur.

Pat Clinch, Montana State Council of Professional Fire Fighters, said they rose in support of the resolution. Any time there was severe illness, injury or cardiac arrest, time was the main factor. He commented they would do all they could to help facilitate its progress.

Opponents' Testimony: None.

{Tape : 1; Side : A; Approx. Time Counter : 41.9}

Questions from Committee Members and Responses:

SEN. BOB KEENAN asked if first aid training could be a certification requirement. **Bill Cooper** said it was possible to have at least one employee per school to be trained; however, in a very small school, if the trained person was absent on a given day, reality would say there probably would not be a first aid certified staff present.

{Tape : 1; Side : B; Approx. Time Counter : 0}

SEN. BARRY "SPOOK" STANG wondered if this first aid training had been considered as a requirement for certification. **Eric Feaver** said he was not aware of any discussion. He reminded the Committee **HJR 13** spoke to employees, not just teachers. He suggested the colleges would be unhappy if that requirement was added to the teaching curriculum. He said MEA/MFT had an annual educators' conference and that would be a good place to offer first aid training to the teachers. There would be other such types of opportunities as well.

SEN. STANG asked if OPI would design a brochure or similar document to do its part in the promotion of **HJR 13**. **Bill Cooper** said they would publicize the need and collect available resources. As for follow-up, OPI would just add a line in the fall report, which was sent to every school district, to ask if there was at least one employee trained in CPR.

SEN. STANG asked for clarification of the role of the PTA, especially in the promotion and continuation of **HJR 13**. **Leigh Spencer** said their work was not finished; in fact, the PTAs had a resolution of their own, which was going before the Montana PTA Convention. It would give the Montana PTA body the authority to continue to work to see that it was accomplished.

SEN. MIKE SPRAGUE suggested the training could be done through a video. **Leigh Spencer** said there were several ways to approach it. She said she had taught CPR for 11 years, and it used to be when a person completed the course, he or she was deemed certified; now, the card was considered as verification of course completion. There were many organizations which had many kinds of courses; however, their intent was to have someone on site in every school who was trained to administer CPR.

SEN. BOB KEENAN suggested an amendment be added to encourage school boards to consider offering first aid training during the Pupil Instruction Related (PIR) days, especially for those folks who did not get to the MEA Convention. **Leigh Spencer** said they did not necessarily believe the identified staff in every school would be necessarily be a teacher; also, some school employees did not get PIR days. She did not want to limit the resolution to only teachers being identified as the trained personnel.

Closing by Sponsor:

REP. JOE MCKENNEY said when they started working on this legislation, they found there was much public support. They decided to bring the matter to public attention, and in two years, they would report to the legislature to see where they were. They had heard from a cross-section of Montana's groups and citizens. He urged a BE CONCURRED IN. **SEN. EVE FRANKLIN** will carry **HJR 13** on the Senate Floor.

{Tape : 1; Side : B; Approx. Time Counter : 7.1}

EXECUTIVE ACTION ON HJR 13

Motion/Vote: **SEN. SPRAGUE** moved that **HJR 13** BE CONCURRED IN. Motion carried unanimously 8-0.

EXECUTIVE ACTION ON HJR 14

Motion/Vote: **SEN. SPRAGUE** moved **HJR 14** BE CONCURRED IN. Motion carried unanimously 7-0.

EXECUTIVE ACTION ON HJR 1

Motion/Vote: **SEN. SPRAGUE** moved that **HJR 1** BE CONCURRED IN. Motion carried 7-1, with **SEN. WATERMAN** voting no.

EXECUTIVE ACTION ON HJR 28

Motion/Vote: SEN. SPRAGUE moved that HJR 28 BE CONCURRED IN.
Motion carried unanimously 7-0.

ADJOURNMENT

Adjournment: 4:15 P.M.

SEN. DARYL TOEWS, Chairman

JANICE SOFT, Secretary

DT/JS

EXHIBIT (eds62aad)